

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-00068-MR**

JONATHAN ANTHONY LEE TORRES,)

Plaintiff,)

vs.)

ORDER

TODD ISHEE, et al.,)

Defendants.)

THIS MATTER is before the Court on its review of the docket in this matter.

On March 15, 2021, Plaintiff filed this action under 42 U.S.C. § 1983. [Doc. 1]. On March 18, 2022, Plaintiff's Second Amended Complaint passed initial review. [Doc. 27]. The current dispositive motions deadline is June 30, 2023. [Doc. 66]. On May 8, 2023, the Court's most recent Order in this case, [Doc. 66], was returned to the Court as undeliverable to the Plaintiff at his address of record in this matter, [Doc. 67]. According to the North Carolina Department of Adult Corrections website, Plaintiff was released from custody on or around April 20, 2023. Plaintiff, however, has not notified the Court of his current address.

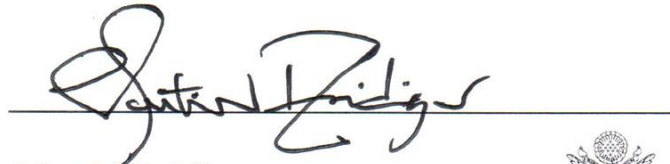
Plaintiffs have a general duty to prosecute their cases. In this regard, a pro se plaintiff must keep the Court apprised of his current address. See Carey v. King, 856 F.2d 1439, 1441 (9th Cir. 1988) (“A party, not the district court, bears the burden of keeping the court apprised of any changes in his mailing address.”). Where a pro se plaintiff has failed to notify the Court of his change of address, the action is subject to dismissal without prejudice for failure to prosecute. Accord Walker v. Moak, Civil Action No. 07-7738, 2008 WL 4722386 (E.D. La. Oct. 22, 2008) (dismissing without prejudice a § 1983 action for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure where the plaintiff did not notify the court of his new address upon his release from jail). Before dismissing this action for failure to prosecute, the Court will give Plaintiff fourteen (14) days in which to notify the Court of his updated address.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff has fourteen (14) days from this Order to notify the Court of his new address. Plaintiff’s failure to timely notify the Court will result of dismissal of this action without prejudice and without further notice to Plaintiff.

IT IS SO ORDERED.

Signed: May 17, 2023

A handwritten signature in black ink, appearing to read "Martin Reidinger", is written over a horizontal line.

Martin Reidinger
Chief United States District Judge

